

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PETER A. CRAWFORD,

Plaintiff,

v.

Civil Action No.
05-cv-10078 (DPW)

WOLVERINE, PROCTOR & SCHWARTZ, INC.,
STEVEN F. CHILINSKI, and
DEEPAK S. KULKARNI,

Defendants.

**MOTION FOR AN EXTENSION OF TIME TO FILE OPPOSITION TO PLAINTIFF'S
CURRENTLY PENDING MOTION TO LIFT THE STAY
AS TO DEFENDANT WOLVERINE, PROCTOR & SCHWARTZ, INC.**

NOW COMES the defendants in the above-captioned action and move for an order extending the time for the defendants to file an opposition to plaintiff's currently pending motion to lift the stay (docket # 107) applying to defendant Wolverine, Proctor & Schwartz, Inc. ("WPS Inc.") to Friday, June 2, 2006. As grounds for this motion, the defendants state:

1. Plaintiff's currently pending motion to lift the stay was filed on May 8, 2006 (docket #107).

2. Pursuant to the Court's order on April 14, 2006, a hearing on all pending motions in this action has been set for June 28, 2006. Opposition to plaintiff's motion to lift the stay was originally due on May 26, 2006.

3. On or about May 24, 2006, plaintiff attended a hearing at the U.S. Bankruptcy Court in connection with the Chapter 7 proceeding for Wolverine, Proctor & Schwartz, LLC. At that time, the trustee overseeing the bankrupt estate advised plaintiff that she intends to seek leave to appear and/or otherwise intervene in this action on behalf of the bankrupt estate and

oppose plaintiff's efforts to lift the stay in effect as to WPS Inc.¹ The trustee is aware that of the May 26th response deadline in this matter, and she requested that plaintiff agree to grant a one-week extension of that deadline for all responses (the trustee's and the defendants') to his pending motion to lift the stay. Plaintiff assented to the trustee's request, which is the basis for the instant motion. (A copy of an email from the bankruptcy trustee to Crawford confirming that Crawford had agreed to a one-week extension is attached as hereto Exhibit 1; Crawford's response to that email, which merely clarified that he does not assent to the trustee's intervention without further explanation her legal authority is attached hereto as Exhibit 2.)

4. Based on the above, the defendants now ask the Court to move the deadline to respond to plaintiff's motion to lift the stay to June 2, 2006.

5. The extension sought by this motion will not alter the hearing date for plaintiff's motion to lift the stay.

6. Defendants respectfully submit that no memorandum of law is necessary in support of this motion.

7. **Attempt to confer:** The undersigned defense counsel sought to obtain Crawford's assent to this motion. In light of the fact that the reason for this motion came to light just shortly before it needed to be filed, the undersigned was unable to secure Crawford's specific consent to the motion. However, Exhibits 1 and 2 to this motion reflect the agreement that Crawford entered into with the bankruptcy trustee that contemplates the relief sought in this motion.

¹ The trustee is Lynn F. Riley, Esq. of Riley Escher LLP, and her counsel is Janet E. Bostwick, Esq., of the Law Offices of Janet E. Bostwick.

WHEREFORE, the defendants respectfully move this Court to extend the deadline for any responses to plaintiff's motion to lift the stay (docket # 107) until June 2, 2006.

Dated: May 26, 2006

Respectfully submitted,

WOLVERINE, PROCTOR & SCHWARTZ,
INC., STEVEN F. CHILINSKI, and
DEEPAK S. KULKARNI,

By their attorneys,

/s/ Mark M. Whitney
Mark M. Whitney (BBO #637054)
Jeffrey D. Kuhn (BBO #662326)
MORGAN, BROWN & JOY LLP
200 State Street
Boston, Massachusetts 02109
(617) 523-6666
mwhitney@morganbrown.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 26, 2006, I filed the foregoing document with the Clerk of the Court using the ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing to the pro se plaintiff, Peter A. Crawford, 23 Newcastle Drive, #11, Nashua, NH 03060, by U.S. mail, on April 11, 2005; I further certify that I sent a courtesy copy of this filing and its ECF confirmation to plaintiff at his email address petercra@ix.netcom.com on the same date.

/s/ Mark M. Whitney
Mark M. Whitney, Esq.

Whitney, Mark

From: Janet E. Bostwick [jeb@bostwicklaw.com]
Sent: Thursday, May 25, 2006 3:25 PM
To: 'Peter Crawford'
Cc: 'Lynne Riley'; Whitney, Mark; Kuhn, Jeff
Subject: RE: Wolverine Memorandum in District Ct. re stay

Peter

This will confirm that you have assented to a one week extension, to June 2, for all parties to respond to your Motion To Lift Stay as to Wolverine Proctor & Schwartz Inc.. The Trustee intends to oppose your motion. Mr. Whitney will prepare and file an appropriate motion to extend as to all.

Your assent is only as to the Motion To Lift Stay you filed and does not affect the response deadline to any other motions.

I also understand from you and Mr. Whitney, that all matters are on for hearing on June 28 at 3:30 pm.

Janet
Janet E. Bostwick
Janet E. Bostwick, PC
295 Devonshire Street
Boston, MA 02110
Tel: 617.956.2670
Fax: 617.422.1428
Email: jeb@bostwicklaw.com

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-----Original Message-----

From: Peter Crawford [mailto:petercra@ix.netcom.com]
Sent: Monday, May 08, 2006 2:25 PM
To: Janet E. Bostwick
Cc: Lynne Riley
Subject: Wolverine Memorandum in District Ct. re stay

Whitney, Mark

From: Peter Crawford [petercra@ix.netcom.com]
Sent: Thursday, May 25, 2006 4:49 PM
To: Janet E. Bostwick
Cc: 'Lynne Riley'; Whitney, Mark; Kuhn, Jeff
Subject: Re: Wolverine Memorandum in District Ct. re stay

It should be added that I have not yet agreed to assent to the Trustee intervening. If you will provide me with a brief legal rationale (statutes, rules and/or cases), and whether you intend to seek intervention in general or only for a limited purpose, I'll consider and decide whether to assent to the Trustee intervening.

Regards,

Peter Crawford

On May 25, 2006, at 3:25 PM, Janet E. Bostwick wrote:

> Peter
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> June 2, for all parties to respond to your Motion To Lift Stay as to
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